IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

BEVERLY MICHELLE MOORE)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-09-985-C
)	
WARDEN MILLICENT NEWTON-)	
EMBRY,)	
)	
Respondent.)	

MOTION FOR EXTENSION OF TIME

Petitioner, by and through her counsel, respectfully requests that the Court extend her deadline to reply in favor of her Motion for Leave to Expand the Record and Hold Evidentiary Hearing on Actual Innocence (Dkt. No. 107). In support of her motion, Petitioner states the following:

- On April 8, 2011, Petitioner filed her Motion for Leave to Expand the Record and Hold Evidentiary Hearing on Actual Innocence.
- 2. Consistent with the Court's February 16, 2011, Order, Respondent filed her response to the motion in a consolidated brief that also addressed Petitioner's brief on the merits. Respondent's consolidated brief was filed on June 14, 2011.
- 3. Pursuant to Local Rule 7.1(*i*), Petitioner's Reply to address new material raised in the response is due June 21, 2011.
- 4. Petitioner's counsel was out of the office on June 14, 2011, and will be out the remainder of the week, with the exception of three hours on June 15, 2011 (during

- which time this request is being drafted). Petitioner's counsel will return to the office mid-morning on Monday, June 20, 2011.
- 5. Due to the absence of Petitioner's counsel during the vast majority of the seven-day window permitted under Local Rule 7.1(i), a three-day extension is requested, making the Reply brief due Friday, June 24, 2011.
- 6. No previous motion to extend the time to file this reply have been requested, although the Court has entertained and granted several prior extensions with regard to the brief on the merits in this case.
- 7. As no trial or evidentiary hearing have been set in this case, and there are no other deadlines pending, the three-day extension will not affect any other proceedings in this case.
- 8. Counsel for Respondent was contacted in connection with request and has stated that Respondent does not object to this request.

Relief Requested

Petitioner submits that she has established good cause as required by Fed. R. Civ. P. 6(b) for her request to extend her deadline to file her Reply in favor of her Motion for Leave to Expand the Record and Hold Evidentiary Hearing on Actual Innocence.. Accordingly, she respectfully requests that the Court grant her request and extend the deadline to Friday, June 24, 2011.

Respectfully Submitted,

s/Christine Cave

Christine Cave, OBA #19774 Employers Legal Resource Center 301 NW 63rd Street, Suite 390 Oklahoma City, Oklahoma 73116

Phone: 405-702-9797 Fax: 405-576-3956

Email: ccave@okemployerlaw.com

mainoffice@okemployerlaw.com

ATTORNEY FOR BEVERLY MICHELLE

MOORE

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of June, 2011, I electronically transmitted the attached document to the Court Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Jared Looper
Diane Slayton
COUNSEL FOR DEFENDANT

s/Christine Cave

Christine Cave